

1 BILL NO. S-80-10-58

2 SPECIAL ORDINANCE NO. S-

3
4 AN ORDINANCE approving a contract for
5 Water Main Contract #8007 between the City of
6 Fort Wayne, Indiana and Newdawn Devel-
7 opers, Inc. for construction of water
8 main.

9 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
10 FORT WAYNE, INDIANA:

11 SECTION 1. That a certain contract, dated August 27,
12 1980, between the City of Fort Wayne, Indiana, by and through
13 its Mayor and the Board of Public Works and Newdawn Developers,
14 Inc. for:


15 construction of a water main system
16 for the Olympia Heights Addition, as
17 follows: On Harris Road from an
18 existing 12" water main on Goshen Road,
19 northward 630 feet to Olympia Court;
20 and on Olympia Court from Harris Road,
21 eastward 720 feet to its terminus.

22 under Board of Public Works Water Main Contract #8007, at a
23 total cost of \$7,561.50 to be paid by City Utilities, all as
24 more particularly set forth in said contract which is on file
25 in the Office of the Board of Public Works and is by reference
26 incorporated herein and made a part hereof, be and the same is
27 in all things hereby reatified, confirmed and approved.

28 SECTION 2. That this Ordinance shall be effective upon
29 passage and approval by the Mayor.

30 
31 COUNCILMAN

32 APPROVED AS TO FORM AND
LEGALITY OCTOBER 24, 1980.

33 
34 JOHN E. HOFFMAN
35 City Attorney

Read the first time in full and on motion by Burns, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee City Health (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, 19____, the _____ day of _____, at _____ o'clock _____ M., E.S.T.

DATE: 10-28-80

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED (~~1984~~) by the following vote:

| | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAINED</u> | <u>ABSENT</u> | <u>TO-WIT:</u> |
|--------------------|---------------|---------------|------------------|---------------|----------------|
| <u>TOTAL VOTES</u> | <u>8</u> | <u> </u> | <u> </u> | <u>1</u> | <u> </u> |
| <u>BURNS</u> | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| <u>EISBART</u> | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| <u>GiaQUINTA</u> | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| <u>NUCKOLS</u> | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| <u>SCHMIDT, D.</u> | <u> </u> | <u> </u> | <u> </u> | <u>X</u> | <u> </u> |
| <u>SCHMIDT, V.</u> | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| <u>SCHOMBURG</u> | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| <u>STIER</u> | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| <u>TALARICO</u> | <u>X</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |

DATE: 11-25-80

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. 2-143-80 on the 25th day of November, 1980.

ATTEST:
Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

(SEAL)
Vivian H. Schmidt
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of November, 1980, at the hour of 2:30 o'clock 8 M., E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 14th day of Dec, 1980, at the hour of 10:30 o'clock A M., E.S.T.

Winfield C. Moses, Jr.
WINFIELD C. MOSES, JR.
MAYOR

BILL NO. S-80-10-58

REPORT OF THE COMMITTEE ON CITY UTILITIES

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS REFERRED AN
ORDINANCE approving a contract for Water Main Contract #8007
between the City of Fort Wayne, Indiana and Newdawn Developers,
Inc. for construction of water main

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE pass.

PAUL M. BURNS, CHAIRMAN

BEN EISBART, VICE CHAIRMAN

JOHN NUCKOLS

MARK GIAQUINTA

ROY SCHOMBURG

Mark E. Giaquinta
Roy Schomburg
11-25-80
CONCURRED IN
DATE CHARLES W. WESTERMAN, CITY CLERK

69-147-10

827-80

CONTRACT NO. 8007

BOARD ORDER NO. 84-80

WORK ORDER NO. 63483

THIS AGREEMENT, made and entered into this 27 day of August, 1980, by and between NEWDAWN DEVELOPERS, INC., hereinafter called CONTRIBUTOR, and the FORT WAYNE WATER UTILITY of the City of Fort Wayne, Indiana, by and through the Mayor and the BOARD OF PUBLIC WORKS of said City, hereinafter called UTILITY, WITNESSETH:

That the said CONTRIBUTOR and the said Utility for the considerations hereinafter named, agree as follows:

1. That the UTILITY and the CONTRIBUTOR shall proceed dependent upon procurement of materials and labor and with reference to other similar work of said parties to construct a water main system, including all necessary fittings, to serve Olympia Heights Addition, as follows:

On Harris Road from an existing 12" water main on Goshen Road, northward 630 feet to Olympia Court; and on Olympia Court from Harris Road, eastward 720 feet to its terminus.

Said water main system to include: 630 feet of 12" D.I. pipe and 720 feet of 6" D.I. pipe.

2. That said water main system shall be constructed according to the standards, plans, and specifications of the UTILITY or approved by the UTILITY, which are on file in the office of the Engineering Department of the UTILITY, and by reference made a part hereof; and the said Utility shall furnish water thru said system, when completed, in accordance with the rules and regulations of said UTILITY, and the laws, ordinances and regulations applicable thereto, now in force, or that may hereafter be adopted.

It is, however, understood and agreed that the UTILITY will not furnish water thru any part or parts of the water main system covered hereunder unless and until the entire system shall have been tested, disinfected, and placed in service and accepted by said UTILITY.

3. It is understood and agreed by and between the parties of this Contract that the CONTRIBUTOR shall furnish all materials, contractual labor, and equipment for the construction of said water main system through Bercot Inc. at a cost of forty-five thousand dollars (\$45,000.00), and that said UTILITY shall supply the necessary labor for inspection, pressure-testing, disinfection, and engineering at a cost of one thousand fifty-seven dollars (\$1,057.00). Therefore, the total cost of said water main system is forty-six thousand fifty-seven dollars (\$46,057.00). It is further understood and agreed by and between the parties of this Contract that the said CONTRIBUTOR shall bear the

WECONT
JOB G

10/30/80

cost of the water mains on the basis of 6" water mains, the cost of which is thirty-eight thousand four hundred ninety-five dollars and fifty cents (\$38,495.50) and which amount is the contract price of this AGREEMENT. Therefore, it is agreed that upon completion and acceptance of said water main system by said UTILITY, the UTILITY will pay to said CONTRIBUTOR the difference between the cost of material, contractual labor, and equipment, as supplied by the Contractor, as referred to above and the contract price of this AGREEMENT, said difference being six thousand five hundred and four dollars and fifty cents (\$6,504.50).

4. The UTILITY may approve the extension of additional water mains from the water main(s) covered in this Contract without incurring any financial obligations to the CONTRIBUTOR under this Contract.
5. It is further understood and agreed that, upon completion of said water main system, the CONTRIBUTOR or his contractor shall file a COMPLETION AFFIDAVIT and a MAINTENANCE BOND with the Board of Public Works of the City. The MAINTENANCE BOND shall run for a minimum period of one (1) year from the date of the acceptance of the said system by the CITY and shall be in the minimum amount of eleven thousand five hundred fourteen dollars and twenty-five cents (\$11,514.25). After receipt of the COMPLETION AFFIDAVIT and MAINTENANCE BOND, the UTILITY will make final inspection of the project. Upon finding the project to be acceptable and in full compliance with the standards and specifications of the UTILITY, the Board of Public Works will issue a letter of acceptance of the project to the CONTRIBUTOR. Upon issuance of the acceptance letter, and in accordance with the terms of that letter, the water main and fittings installed under this contract shall form and be a part of the water works system of said UTILITY, and all rights, title, and interest whatsoever in said water main system shall become and remain in the City of Fort Wayne, Indiana.
6. This Agreement, although executed on behalf of the Utility by the Mayor and the Board of Public Works, shall not be binding upon the Utility unless and until the same shall have been ratified and approved by Common Council. Failure to approve the same within ninety (90) days after the date hereof, then this Contract shall become null and void.

WITNESS THE HANDS AND SEALS OF SAID PARTIES the day and year are first above written.

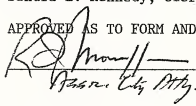
CITY OF FORT WAYNE, INDIANA


 Win Moses, Jr., Mayor

ATTEST:

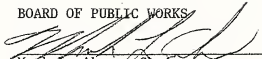

 Sandra E. Kennedy, Clerk

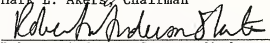
APPROVED AS TO FORM AND LEGALITY:

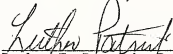

 Prepared by:
 D. L. Foland, P.E.
 Chief Water Engineer

 Approved by the Common Council of the City of Fort Wayne on the _____
 day of _____, 19____.
 Special Ordinance No. _____.

BOARD OF PUBLIC WORKS


 Mark L. Akers, Chairman


 Roberta Anderson Staten, Member


 Herbert R. Gamache, Member
CONTRIBUTOR:
NEWDOWN DEVELOPERS, INC.

 BY: Luther E. Patrick, Pres.


 BY: John G. Kohlmeier, Secy-Treas.

ACKNOWLEDGMENT

STATE OF INDIANA:

SS:

COUNTY OF ALLEN:

BEFORE ME, a Notary Public, in and for said County and State, this 2nd day of October, 1980, personally appeared the within named Luther E. Patrick and John G. Kohlmeier, who being by me first duly sworn upon their oaths say that they are the President and Secretary-Treasurer respectively, of the Newdawn Developers, Inc. and as such duly authorized to execute the foregoing instrument and acknowledged the same as the voluntary act and deed of Newdawn Developers, Inc. for the uses and purposes therein set forth.

IN WITNESS WHEREOF, hereunto subscribed my name, affixed my official seal.

Alan A. Krider
NOTARY PUBLIC

ALAN A. KRIDER
Type or Print Name of Notary

MY COMMISSION EXPIRES:

April 17, 1983

ACKNOWLEDGMENT

STATE OF INDIANA)
) SS:
 COUNTY OF ALLEN)

BEFORE ME, a Notary Public, in and for said County and State, this 27th day of August, 1980, personally appeared the within named WINFIELD C. MOSES, JR., Mayor of the City of Fort Wayne; MARK L. AKERS, ROBERTA A. STATEN, and HERBERT R. GAMACHE members of the Board of Public Works, City of Fort Wayne, Indiana; and SANDRA E. KENNEDY Clerk of the Board of Public Works, City of Fort Wayne, Indiana, to me personally known, who being by me duly sworn said that they are respectively the Mayor of the City of Fort Wayne, the Members and Clerk of the Board of Public Works of the City of Fort Wayne, Indiana, and that they signed said instrument on behalf of the FORT WAYNE WATER UTILITY of the City of Fort Wayne, Indiana, with full authority so to do and acknowledged said instrument to be the voluntary act and deed of said Department of said City for the uses and purposes therein set forth.

IN WITNESS WHEREOF, hereunto subscribed my name, affixed my official seal.

Anne J. Fox
 Notary Public

ANNE J. Fox
 Type or Print Name of Notary

My Commission Expires:

3-6-84

5045
TITLE OF ORDINANCE Construction of a water main system for Olympia Heights Develop-
Contract #8007. ment.

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS

S-80-10-58

SYNOPSIS OF ORDINANCE Contract #8007 for the construction of a water main system
for the Olympia Heights Addition, Newdawn Developers, Inc. with Bercot, Inc. doing
the construction. This will serve Olympia Heights Addition as follows:
On Harris Road from an existing 12" water main on Goshen Road, northward 630 feet
to Olympia Court; and on Olympia Court from Harris Road, eastward 720 feet to
its terminus. (Prior Approval acquired September 2, 1980 and attached.)

EFFECT OF PASSAGE The installation of a water main system for the Olympia Heights
Addition.

EFFECT OF NON-PASSAGE Installation of the water main system cannot be completed
as described above.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) NEWDAWN DEVELOPERS TO PAY \$46,057.00
and CITY UTILITIES will pay \$7,561.50 to NEWDAWN DEVELOPERS.

ASSIGNED TO COMMITTEE City Utilities